

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY MEDINA, KELVIN CURRAN, JAMES
COLANTUONO, WARREN DAVIS, KEVIN
JONES, PETER LOPEZ, CHRISTOPHER
MORRISHAW AND MICHAEL SMITH,
*individually and on behalf of others similarly
situated,*

Plaintiffs,

-against-

THE NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY SERVICES;
BRIAN FISCHER, COMMISSIONER OF THE NEW
YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SERVICES; LUCY BUTHER,
ADA COORDINATOR OF THE NEW YORK
STATE DEPARTMENT OF CORRECTIONS AND
COMMUNITY SERVICES; PATRICK J. GRIFFIN,
SUPERINTENDENT OF SULLIVAN
CORRECTIONAL FACILITY; DARROW
CUNNINGHAM, DEPUTY SUPERINTENDENT OF
PROGRAMS FOR SULLIVAN CORRECTIONAL
FACILITY; CHRISTOPHER KARSON,
ASSISTANT DEPUTY SUPERINTENDENT OF
PROGRAMS FOR SULLIVAN CORRECTIONAL
FACILITY; DALE ARTUS, SUPERINTENDENT OF
WENDE CORRECTIONAL FACILITY; AND
KAREN CROWLEY, DEPUTY
SUPERINTENDENT OF PROGRAMS FOR
WENDE CORRECTIONAL FACILITY,

Defendants.

11 Civ. 176 (LAP) (JLC)

ECF Case

**DECLARATION OF ERIC ALAN STONE IN SUPPORT OF
JOINT MOTION FOR CLASS CERTIFICATION IN
CONNECTION WITH SETTLEMENT, APPOINTMENT OF
CLASS REPRESENTATIVES AND CLASS COUNSEL, PRELIMINARY
APPROVAL OF THE PARTIES' PRIVATE SETTLEMENT
AGREEMENT, AND APPROVAL OF NOTICE TO CLASS MEMBERS**

ERIC ALAN STONE declares:

I am a member of Paul, Weiss, Rifkind Wharton & Garrison LLP. I submit this Declaration in Support of the Joint Motion For Class Certification in Connection with Settlement, Appointment of Class Representatives and Class Counsel, Preliminary Approval of The Parties' Private Settlement Agreement and Approval of Notice to Class Members.

1. I am a member in good standing of the bar of the State of New York and am admitted to practice before this Court.
2. I attach as Exhibit 1 a copy of the proposed Private Settlement Agreement, dated February 28, 2014.
3. I attach as Exhibit 2 a copy of the Department of Corrections and Community Supervision Inmate Information page for Plaintiff Kelvin Curran, as retrieved on February 22, 2014.
4. I attach as Exhibit 3 a copy of the Department of Corrections and Community Supervision Inmate Information page for Plaintiff Warren Davis, as retrieved on February 22, 2014.
5. I attach as Exhibit 4 a copy of the Department of Corrections and Community Supervision Inmate Information page for Plaintiff Peter Lopez, as retrieved on February 22, 2014.
6. I attach as Exhibit 5 a copy of the Department of Corrections and Community Supervision Inmate Information page for Plaintiff Michael Smith, as retrieved on February 22, 2014.
7. I attach as Exhibit 6 a copy of the Department of Corrections and Community Supervision Inmate Information page for Plaintiff Kevin Jones, as retrieved on February 22, 2014.

8. I attach as Exhibit 7 what I understand to be a copy of the New York State Department of Correctional Services, Health Services System, Statewide Summary of Owned Undercustody Inmates on DOCS Medical Problem List with Active Codes V230 Severe Visual Impairment and B240 Legal Blindness by Owning Facility, purporting to be current as of May 4, 2012.

9. I attach as Exhibit 8 a copy of the State of New York Department of Correctional Services Directive Number 2612, *Inmates with Sensorial Disabilities*, bearing Bates numbers D-MEDINA 00001–16.

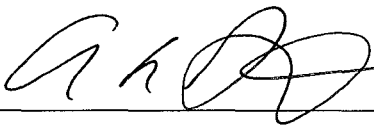
10. I attach as Exhibit 9 excerpts from the transcript of the February 19, 2013 deposition of Bryan Bradt in this action.

11. I attach as Exhibit 10 excerpts from the transcript of the February 15, 2013 deposition of Warren Davis in this action.

12. I attach as Exhibit 11 excerpts from the transcript of the February 15, 2013 deposition of Peter Lopez in this action.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 28, 2014


Eric Alan Stone